

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLIN D., a minor, and JOSPEH D.,
individually, and as a guardian of Colin D.,

Plaintiffs,

-v-

No. 20-CV-9120-LTS-GWG

MORGAN STANLEY MEDICAL PLAN;
OPTUM GROUP, LLC; and UNITED
BEHAVIORAL HEALTH, INC.,

Defendants.

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ORDER

The Court has received two submissions in response to its Sealing Order (docket entry no. 96). Plaintiffs' request (docket entry no. 98) seeks the redaction of references to a named party in the caption and body of the Court's September 30, 2023, Memorandum Opinion and Order addressing the parties' summary judgment motions (the "SJ Opinion"), which is filed under seal at docket entry no. 95. Defendants' request (docket entry no. 101) seeks the redaction of specific quotations and confidential information drawn from internal proprietary benefit management guidelines from the portion of the SJ Opinion that addresses Plaintiffs' claims under the Mental Health Parity and Addiction Equity Act ("Parity Act").

Plaintiffs' redaction request is denied because Plaintiffs have not proffered a justification outweighing the public interest in the continued disclosure of the identity of the party, which has been a matter of public record since the filing of the Complaint in 2020.

Defendants' request is, however, granted. Defendants seek limited redactions of confidential proprietary information drawn from guidelines that United HealthCare ("United")

employs in claims administration that are licensed from a healthcare entity not party to this litigation. Defendants assert that this information concerns United's claim processing and handling, disclosure of which would subject both United and the licensing entity to a competitive disadvantage. As Defendants note in their request, these internal guidelines were produced solely in connection with Plaintiffs' unequal treatment claim under the Parity Act, and the Court previously granted Defendants' request to maintain these documents under seal. (See docket entry nos. 62, 73).

The Court finds that Defendants have proffered a sufficiently compelling "higher value" that warrants continued sealing of the information identified in Defendants' narrowly tailored redaction request. See Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006); Bacewicz v. Molecular Neuroimaging, LLC, No. 3:17-CV-85-MPS, 2019 WL 10630387, at *1 (D. Conn. Nov. 6, 2019) (gathering cases where courts in this Circuit have "limited access to confidential business documents to protect litigants from unfair competitive disadvantage"). The guidelines information produced was relevant to establishing that the insurance plan at issue appeared to impose more restrictive coverage limitations for certain treatment in skilled nursing facilities—the analogous medical/surgical treatment identified by Plaintiffs—than for comparable residential mental health services, contrary to Plaintiffs' allegations. This fact, rather than the specific content of the guidelines, was material to the Court's adjudication of Plaintiffs' unequal treatment claim under the Parity Act. The few references that Defendants seek to redact in the context of this discussion are limited to information that quotes or directly restates confidential guidelines provisions. Defendants' request for redactions is therefore granted in full.

The Court will enter its SJ Opinion on the public docket, with the limited redactions requested by Defendants. This Order supersedes the Order entered at docket number 99.

The unredacted SJ Opinion, entered at docket number 100 in connection with the Order at docket number 99, is now under seal and will remain so. Plaintiffs' and Defendants' submissions requesting redactions, entered at docket numbers 98 and 101, respectively, will also remain under seal.

SO ORDERED.

Dated: October 17, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge